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A STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :

PROCEEDINGS AGAINST :

ROBERT T. OBMA, M.D.

FINAL DECISION AND ORDER

RESPONDENT

Case No. LS0007192MED

The parties to this action for the purposes of Wis. Stats. §. 227.53 are:

Robert T. Obma, M.D.

420 E. Division Street

Fond du Lac, WI 54935

Wisconsin Medical Examining Board

P.O. Box 8935

Madison, WI 53708-8935

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Robert T. Obma, M.D., Respondent, date of birth April 2, 1940, is licensed and currently registered, to practice medicine and surgery in the state of Wisconsin, by the Wisconsin Medical Examining Board pursuant to license number 16619, which was first granted January 8, 1969.
2. Respondent's last address reported to the Department of Regulation and Licensing is 420 E. Division Street, Fond du Lac, Wisconsin, 54935.
3. Respondent's specialty is cardiology.
4. In 1995, Ms. A was treated by a different cardiologist at the Fond du Lac Regional Clinic. At that time, she wore a Holter monitor that showed single atrial and ventricular premature contractions.
5. She began having heart palpitations more frequently and on January 19, 1999, for the first time, Ms. A, who was then 59 years of age, saw Respondent in his professional capacity at the Fond du Lac Regional Clinic.
6. On that date, Respondent took a history from Ms. A, performed an examination and ordered an EKG and a 24

hour Holter monitor. Ms. A did not have any complaints or symptoms relating to her breasts.

7. Ms. A asserts that on January 19, 1999:

- a. While she was lying on the examining table, and after Respondent listened with the stethoscope above and below her brassiere, Respondent "grabbed" each of her breasts, one at a time, through her brassiere.
- b. Respondent never asked her consent to perform a breast examination, did not warn her that he was going perform a breast examination and never told her that he was performing a breast examination.

8. Respondent asserts:

- a. He unfastened Ms. A's brassiere and performed the breast examination by placing his hand between her brassiere and her breast.
- b. It is his usual practice to perform a breast examination when conducting a comprehensive evaluation of a woman without a breast complaint.
- c. It is his usual practice to tell the woman that he is about to examine her breasts immediately before the breast exam.
- d. It is his usual practice to then place his hands beneath the woman's brassiere and sequentially palpate all four quadrants of the breasts, areola and nipple. If all is well, Respondent reassures the patient that he does not feel anything suspicious.

9. The note of the January 19, 1999 visit, which Respondent dictated for Ms. A's medical record, includes: "Free of masses or retractions. Nipples are without exudate or asymmetry."

10. The breast examination which Respondent performed of Ms. A, whether done as Ms. A asserts or as Respondent asserts, was not performed in a competent, appropriate manner and would not have allowed Respondent to make the observations he noted in her medical record.

11. When Ms. A returned to see Respondent at her next appointment on January 29, 1999, Ms. A brought a friend with her into the examination room. Ms. A told Respondent of her concerns about his touching her breasts and Respondent noted in the medical record:

"[S]he tells me, after we had discussed things at some length, that she feels that the breast examination that I did on her was inadequate qualitatively, but she had not wanted one in the first place. Thus, this was not what she had in mind. It is different in the examinations she has had done by her own doctor."

12. On March, 26, 1999, Ms. A reported the incident to the police, and on July 30, 1999, Respondent was charged, in Fond du Lac County Wisconsin Circuit Court case number

99-CM-664, with disorderly conduct, a class B misdemeanor, under 947.01, Stats.

13. On September 21, 1999, Respondent entered into an agreement with the State that, if Respondent complied with certain conditions, for 6 months, the State would move to amend the charge to a Fond du Lac municipal ordinance violation for disorderly conduct and recommend a forfeiture of \$200 plus court costs for a total of \$332. Those conditions were:

- a. No arrests for any non-traffic crimes
- b. 20 hours of community service
- c. Attendance at a seminar or training session regarding sensitivity in relating to patients.

14. Respondent complied with the conditions and in May 2000, the misdemeanor charge was dismissed and Respondent was convicted of the ordinance violation and was ordered to pay a fine and costs of \$332.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction over this matter pursuant to

§ 448.02(3), Stats.

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter

pursuant to § 227.44(5), Stats.

3. The Respondent's conduct, as described above constitutes unprofessional conduct as defined by § 448.02(3), Stats. and Wis. Adm. Code § MED 10.02(2)(h).

ORDER

1. Respondent, Robert T. Obma, M.D., is hereby REPRIMANDED for the conduct set out above.

2. Respondent shall not perform any breast examinations until such time as he provides proof sufficient to the Board, or its designee, that he has the knowledge to do so with reasonable skill, and safety to patients.

3. Within six months of the date of this order, Respondent shall provide proof sufficient to the Board, or its designee, of Respondent's satisfactory completion of a full-day program addressing the issue of professionals maintaining appropriate boundaries with patients, which program shall first be approved by the Board, or its designee.

4. Any requests for approval of an educational program and any evidence required by paragraphs 2 or 3 of this order shall be mailed, faxed or delivered to:

Department Monitor

Department of Regulation and Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

Fax (608) 266-2264

5. Respondent shall bear all costs incurred as a result of satisfying this Order.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 19th day of July, 2000.

Medical Examining Board

Darold A. Treffert, M.D.

Secretary

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